



BOC Chair

Lisa Cupid, Chairwoman

Districts All

Cobb County...Expect the Best!

TO: Dr. Jackie R. McMorris, County Manager

FROM: Lisa Cupid, Chairwoman

DATE: September 10, 2024

PURPOSE

To address a motion pending from August 27, 2024, to approve notice to the District 2 Commissioner that the office is deemed vacant.

BACKGROUND

On August 27, 2024, the Board of Commissioners considered an agenda item related to the map set out in Act 562, signed by Governor Kemp on March 2, 2022, for all county purposes. By a vote of 3-2 Recommendation #1, the Board directed that the Act 562 of 2022 map be used for all future county purposes.

Recommendation #2 of that same agenda item failed to pass due to a 2-2 tie vote (Chair Cupid and Commissioner Gambrill supporting, Commissioners Birrell and Sheffield opposing). The Board's Rules of Procedure at 1.08.04 state: "[a] tie vote shall cause all **procedural motions** to be defeated. A tie vote on a **main motion** shall keep the motion as pending before the board and the motion shall be rescheduled for another time."

The motion currently pending before the Board is: to approve notice to the sitting District 2 Commissioner that the office is deemed vacant per Part II, Section 2-23(b), Official Code of Cobb County, Georgia; and authorize the Chairwoman to execute notice pursuant to O.C.G.A. § 45-5-1 and any other necessary documents for said purpose.

Cobb's enabling legislation states that "[a] person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant." Part II, Section 2-23(b), Official Code of Cobb County, Georgia. Additionally, O.C.G.A. § 45-5-1(a)(5) provides that an office in this state is vacated "[b]y the incumbent ceasing to be a resident of the state or of the county, circuit, or district for which he or she was elected..." Following this Board's adoption of the Act 562 of 2022 map, the District 2 commissioner no longer resides in her district. The Board shall provide notice of at least ten days before proceeding to fill the vacancy. O.C.G.A. § 45-5-1(b).

IMPACT STATEMENT

N/A

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Section 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to O.C.G.A. § 45-5-1 and any other necessary documents for said purpose.

ATTACHMENTS

None